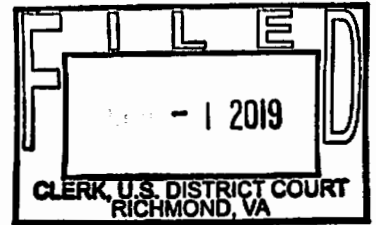


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division



RONNIE DALE LITTERAL,

Petitioner,

v.

Civil Action No. 3:19CV683

UNKNOWN,

Respondent.

MEMORANDUM OPINION

Petitioner, Ronnie Dale Litteral, a Virginia inmate proceeding pro se and submitted a letter. Given the content of the document, it was appropriate to give Litteral the opportunity to pursue this action as a petition for a writ of habeas corpus under 28 U.S.C. § 2254. See Rivenbark v. Virginia, 305 F. App'x 144, 145 (4th Cir. 2008). Accordingly, by Memorandum Order entered on September 24, 2019, the Court sent Litteral the form for filing a 28 U.S.C. § 2254 petition. The Court informed Litteral that if he wished to proceed pursuant to 28 U.S.C. § 2254, he must complete the § 2254 Petition form and return the same to the Court within fifteen (15) days of the date of entry thereof. The Court warned Litteral that the failure to return to the § 2254 Petition form within twenty (20) days of the date of entry thereof would result in the dismissal of the action. See Fed. R. Civ. P. 41(b).

More than twenty (20) days have elapsed since the entry of the September 24, 2019 Memorandum Order and Litteral has not

responded. Accordingly, the action will be dismissed without prejudice. A certificate of appealability will be denied.

The Clerk is directed to send a copy of the Memorandum Opinion to Litteral.

An appropriate Order shall issue.

_____/s/ *REP*_____
Robert E. Payne
Senior United States District Judge

Richmond, Virginia

Date: *October 31, 2019*